



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

February 1, 2001

4APT-ARB

Mr. Arthur Williams, Director  
Air Pollution Control District of Jefferson County  
850 Barrett Avenue, Suite 200  
Louisville, Kentucky 40204

SUBJ: EPA's Review of Proposed Title V Permit for Oxy Vinyls, LP

Dear Mr. Williams:

The purpose of this letter is to notify the Jefferson County Air Pollution Control District that the United States Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for Oxy Vinyls, LP located in Louisville, Kentucky.

Based on our review of the proposed permit, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c), to the issuance of the title V permit for this facility. The basis of EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. §70.6(a)(3)(i), the compliance assurance requirements of 40 C.F.R. §70.6(c), the reporting requirements of 40 C.F.R. §70.6(a)(3)(iii), and the record-keeping and reporting requirements of 40 C.F.R. Subpart V.

Section 505(b)(1) of the Act and 40 C.F.R. § 70.8(c) require EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that it is not in compliance with the applicable requirements under the Act or 40 C.F.R. part 70. Pursuant to 40 C.F.R. § 70.8(c), a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 are provided in the enclosure to this letter. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance so that any outstanding issues may be addressed prior to the expiration of the 90-day period.

We are committed to working with you to resolve these issues. Please let us know if we may provide assistance to you and your staff. If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief, Air Permits Section at (404) 562-9141. Should

your staff need additional information they may contact Mr. César Zapata, Kentucky Title V Contact, at (404) 562-9139, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/

Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division

Enclosure

cc: T. Kent Lindsey, Plant Manager, Oxy Vinyls, LP  
Eva Adison, Jefferson County Air Pollution Control District  
Jesse Goldsmith, Jefferson County Air Pollution Control District

## Enclosure

### U.S. EPA Region 4 Objection Proposed Part 70 Operating Permit for Oxy Vinyls, LP, Louisville, Kentucky Permit No. 212-99-TV

#### I. EPA Objection Issues

1. Preventive maintenance on pollution control equipment as periodic monitoring requirements for particulate matter (PM): The permit establishes the use of preventive maintenance procedures in lieu of parametric monitoring for emissions units where control devices are required for compliance with the PM standard. These procedures as outlined in the permit do not satisfy the 40 C.F.R. § 70.6(a)(3)(i)(B) requirement to include periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the applicable emission limits. In addition to assuring compliance, a system of periodic monitoring will provide the source with an indication of their emissions unit's performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. The permit must include a periodic monitoring scheme that will provide data which is representative of the source's actual performance.

Since several of the emissions points are equipped with a control device to control PM emissions, EPA recommends using parametric monitoring to assure that PM emissions are adequately controlled. For example, a parametric range that is representative of the proper operation of the control equipment could be established using source data to develop a correlation between control parameter(s) and PM emissions. The permit must specify the parametric range or procedure used to establish the range, as well as the frequency for re-evaluating the range.

2. One-time compliance demonstrations for PM and SO<sub>2</sub>: The permit states that the permittee provided one-time PM and SO<sub>2</sub> compliance demonstrations for several emissions points. However, neither the permit nor the permit application contain such demonstrations. The permit application contains only general equations to estimate emissions. Pursuant to 40 C.F.R. § 70.5(c)(3)(iii) the permit application must include the emissions rate in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method. In addition, 40 C.F.R. § 70.5(c)(3)(viii) requires calculations on which the emission information is based. Therefore, the permit application and permit failed to include data sufficient to assure compliance with the PM and SO<sub>2</sub> applicable requirements as required by 40 C.F.R. § 70.6(a)(3)(i)(B). To address this deficiency, the permittee must submit the calculations and actual emissions information needed to certify compliance with the applicable requirements and establish appropriate periodic monitoring to assure compliance with the applicable requirement. A one-time calculation is not an adequate assurance of compliance for most emissions points included in the permit. To meet the requirements

of 40 C.F.R. § 70.6(a)(3)(i)(B), the permit must establish appropriate periodic monitoring to assure compliance with the applicable requirements. Therefore, appropriate periodic monitoring must be established for those emissions points using the one-time compliance demonstration.

3. Additional Conditions for emissions unit U-BLR, Section 1.a.ii. PM Standards: Pursuant to regulation 7.06 Section 4.1.2, the PM limit for E-BLR-#1 is 0.10 lb PM/mmBtu instead of 0.1 lb PM/mmBtu. Please change the limit to 0.10 lb PM/mmBtu.
4. Additional Conditions for emissions unit U-BLR, Section 2.b. Opacity Monitoring: For the boilers that combust number 2 fuel oil, opacity checks must be conducted when number 2 fuel oil is being combusted in the emissions units. Please make a note in the permit that the permittee must conduct a weekly opacity check while the emissions unit combusts number 2 fuel oil.
5. Additional Conditions for emissions unit U-BLR, Section 3.c.i. Record Keeping for SO<sub>2</sub>: This condition does not require the facility to obtain the necessary data that is representative of the emissions unit compliance status. To obtain reliable data that meets the 40 C.F.R. § 70.6(c)(1) requirement to assure compliance with the SO<sub>2</sub> limit, the permittee must do the following: a) If the coal supplier certifies that the coal received for burning in these emissions units meets the sulfur content standard, only periodic confirmatory sampling must be conducted by the permittee to verify the data from the coal supplier; b) If the sulfur content of the coal received is above the standard, then daily as-fired sampling is needed to assure compliance with the sulfur content standard and emission limitation. Every sample must be analyzed for sulfur content and heat content in accordance with the applicable ASTM methods. The record keeping must include a calculation of SO<sub>2</sub> emissions in terms consistent with the applicable requirement. Also, these monitoring requirements must specify an appropriate averaging time for the SO<sub>2</sub> emissions standards to be practically enforceable.
6. Additional Conditions for emissions unit U-BLR, Section 3.c.ii. Record Keeping for SO<sub>2</sub>: This condition does not require the facility to obtain the necessary data that is representative of the emissions unit compliance status. The permit specifies a fuel oil sulfur content limitation of 0.5% and emission limitation of 0.8 lb/mm/Btu for emissions units E-BLR-#1 and E-BLR-#5. However, this section of the permit states that there are no record keeping requirements for emissions units E-BLR-#1 and E-BLR-#5. To obtain reliable data that meets the 40 C.F.R. § 70.6(c)(1) requirement to assure compliance with the SO<sub>2</sub> limit, the permittee must maintain records of the vendor's certification that the oil burned in this emissions unit meets the definition of number 2 fuel oil.
7. Additional Conditions for emissions unit U-BLR, Section 4.a.ii., 4.a.iii. and 4.c.ii. Reporting for PM and SO<sub>2</sub>: The permit fails to include reporting requirements for emissions units E-BLR-#1, E-BLR-#5. These emissions units are subject to applicable

requirements that contain or must contain periodic monitoring and reporting. Pursuant to 40 C.F.R. § 70.6(a)(3)(iii), the permit must incorporate all applicable reporting requirements.

8. Additional Conditions for emissions unit U-BLR, Section 4.b. Opacity Reporting: The permittee must also report the number of times that visible emissions are observed, not only when Method 9 readings are performed. This will allow Jefferson County Air Pollution Control District (JCAPCD) to determine if opacity problems may exist.
9. Additional Conditions for emissions unit U-LPA, Section 2.a.ii.2 and 3.a.ii.2: The permit states that the permittee demonstrated that the potential to emit is less than 450 lbs VOC/hour and 3,000 lbs VOC/day for several emissions points. However, neither the permit nor the permit application contain such demonstrations. The permit application contains only general equations to estimate emissions. Pursuant to 40 C.F.R. § 70.5(c)(3)(iii) the permit application must include the emissions rate in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method. In addition, 40 C.F.R. § 70.5(c)(3)(viii) requires calculations on which the emission information is based. Therefore, the permit application and permit failed to include data sufficient to assure compliance with the PM and SO<sub>2</sub> applicable requirements. To meet the requirements of 40 C.F.R. § 70.6(a)(3)(i)(B), the permit must establish appropriate periodic monitoring to assure compliance with the applicable requirements.
10. Additional Conditions for emissions unit U-LPA, Section 3.a.v: This condition states that there are no record-keeping requirements for emissions subject to 40 C.F.R. § Subpart V. If a waiver of compliance is granted or the process unit demonstrates that the percentage of leaking valves is less than 2.0 percent, then the permittee is exempt from the requirements of 40 C.F.R. § 61.246. However, if these conditions are not met, these emissions points would be subject to the record-keeping requirements of 40 C.F.R. § 61.246. Please provide information that demonstrates that the emissions points are either subject to or exempt from the record-keeping requirements of 40 C.F.R. § 61.246.
11. Additional Conditions for emissions unit U-LPA, Section 4.a.v: This condition states that there are no reporting requirements for emissions subject to 40 C.F.R. § Subpart V. If a waiver of compliance is granted or the process unit demonstrates that the percentage of leaking valves is less than 2.0 percent, then the permittee is exempt from the requirements of 40 C.F.R. § 61.247. However, if these conditions are not met, these emissions points would be subject to the reporting requirements of 40 C.F.R. § 61.247. Please provide information that demonstrates that the emissions points are either subject to or exempt from the reporting requirements of 40 C.F.R. § 61.247.
12. Additional Conditions for emissions unit U-LPA, Section 1.c.i. Annual emissions limitations: The permit does not contain monitoring to assure compliance with the annual

particulate matter emission limitations. In accordance with 40 C.F.R. § 70.6(a)(3)(i)(B), the permit must contain periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Please add periodic monitoring to the permit that will assure compliance with the annual emission limitations.

13. Alternate Operating Scenario: The permittee must be able to certify compliance with all applicable requirements pertaining to the use of the Flameless Thermal Oxidizer at BFGoodrich as a final control for its recovery system. Pursuant to 40 C.F.R. § 70.6(c)(1), the permit must include language that requires Oxy Vinyls to be able to certify compliance with the applicable requirements during the alternate operating scenario event. This could be done by requiring a copy of the monitoring records from BFGoodrich during the event or having BFGoodrich certify compliance for Oxy Vinyls.

## II. General Comments

1. General Comment: Please note that EPA reserves the right to take enforcement action on any non-compliance issues, including issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Additional Conditions for emissions unit U-BLR, Section 1.a.i. PM Standards: This condition specifies a PSD permit allowable as one of the emission limitations. It is not clear which limitation corresponds to the PSD permit allowable. The citation for the PSD permit applicable requirement must be clear. Please specify the limitation and PSD permit # (if applicable) and date of issuance.
3. Additional Conditions for emissions unit U-BLR, Section 1.a.iii. PM Standards: A PSD permit allowable is cited as the applicable requirement for the PM limit of 0.03 lb PM/mmBtu. Please specify the PSD # (if applicable) and date of issuance.
4. Additional Conditions for emissions unit U-BLR, Section 1.b.iv. Opacity Standards: The permit states that the opacity standard for E-BLR-#4CCS does not apply because the emissions unit handles non-powder materials. This emissions unit handles coal with the potential to emit particulate matter. In addition, the particulate matter emissions from this emissions unit are controlled by a dust collector. Regulation 7.08 Section 3.2. applies to this emissions unit. Please add this district enforceable applicable requirement to the permit along with appropriate periodic monitoring to assure compliance with the applicable requirements.
5. Additional Conditions for emissions unit U-BLR, Section 1.c.ii.2. SO<sub>2</sub> Standards: A PSD permit allowable is cited as the applicable requirement for the SO<sub>2</sub> limit of 1.0 lb

SO<sub>2</sub>/mmBtu. Please specify the PSD # (if applicable) and date of issuance.

6. Additional Conditions for emissions unit U-BLR, Section 1.c.iii. SO<sub>2</sub> Standards: A PSD permit allowable is cited as the applicable requirement for the oil sulfur content limit of less than 0.5% sulfur. Please specify the PSD # (if applicable) and date of issuance.
7. Additional Conditions for emissions unit U-BLR, Section 1.c.iii. SO<sub>2</sub> Standards: The sulfur content limitation for oil and coal is not specific as to what emissions unit it applies. Please, specify which emissions units are subject to the oil and coal sulfur content limitation.
8. Additional Conditions for emissions unit U-BLR, Section 1.d.i. NO<sub>x</sub> Standards: A PSD permit allowable is cited as the applicable requirement for the NO<sub>x</sub> limit of 0.6 lb NO<sub>x</sub>/mmBtu. Please specify the PSD # (if applicable) and date of issuance.
9. Additional Conditions for emissions unit U-LPA, Section, Comment 1: The permit mentions that there are pending permit applications for facility modifications that would increase particulate matter emissions. Please be aware that any increases in annual emissions must be reviewed very carefully. Oxy Vinyls PM annual emission limitation cap is part of a PSD permit for BF Goodrich. Based on information provided in the application and permit, it appears that Oxy Vinyls, the Zeon Company, BF Goodrich and Geon Company (Poly One) are one major facility for PSD purposes. Therefore, any increases or decreases in emissions must be evaluated in conjunction with any other contemporaneous increases or decreases for all of these facilities.